

**NOV 15 2005**

**NOT FOR PUBLICATION**  
**UNITED STATES COURT OF APPEALS**  
**FOR THE NINTH CIRCUIT**

**CATHY A. CATTERSON, CLERK**  
**U.S. COURT OF APPEALS**

**BRUNO ALBERTO NAVARRETE**  
**BOJORQUEZ,**

Petitioner,

v.

**ALBERTO R. GONZALES, Attorney**  
**General,**

Respondent.

No. 04-70120

Agency No. A95-193-896

**MEMORANDUM\***

On Petition for Review of an Order of the  
Board of Immigration Appeals

Submitted November 8, 2005\*\*

Before: WALLACE, LEAVY and BERZON, Circuit Judges.

Bruno Alberto Navarrete Bojorquez, a native and citizen of Mexico,  
petitions pro se for review of the Board of Immigration Appeals' ("BIA")  
affirmance of the Immigration Judge's ("IJ") decision denying his application for

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\*This disposition is not appropriate for publication and may not be cited to or by  
the courts of this circuit except as provided by Ninth Circuit Rule 36-3.

\*\*This panel unanimously finds this case suitable for decision without oral  
argument. See Fed. R. App. P. 34(a)(2).

asylum and withholding of removal. Because we lack jurisdiction, we dismiss the petition.

Navarrete contends that he was denied due process when the IJ did not grant him a third continuance so that he could obtain counsel and that the IJ failed to explain the nature of the proceedings. However, this issue was not raised in his appeal to the BIA. Navarrete's "[f]ailure to raise [that] issue in [his] appeal to the BIA constitutes a failure to exhaust remedies with respect to that question and deprives this court of jurisdiction to hear the matter." *Vargas v. INS*, 831 F.2d 906, 907-08 (9th Cir. 1987). Because Navarrete failed to exhaust his remedies, we lack jurisdiction to consider them. *See Barron v. Ashcroft*, 358 F.3d 674, 677-78 (th Cir. 2004). Moreover, Navarrete has not raised a colorable asylum claim.

**PETITION FOR REVIEW DISMISSED.**